REMARKS

Summary

Claims 1-5, 7-15 and 17-33 remain pending. No claim has been cancelled, and no amendment has been offered. .

Rejections Under 35 USC 103(a)

Claims 1, 3-5, 11, 13-15, 21-25, 27-28, and 30-33 are rejected under 35 USC 103(a) as being unpatentable over US Patent No. 5,880,733 to Horvitz (Horvitz) in view of US Patent No. 6,363,404 to Dalal (Dalal). Applicants respectfully request reconsideration and withdrawal of the rejection in light of the remarks below.

First of all, Applicants respectfully remind the Examiner that section 103 explicitly requires the claimed invention be viewed as a ***whole*** in obviousness analysis. See 35 U.S.C. 103(a). Secondly, Applicants respectfully remind the Examiner that the Court has reaffirmed that claim terms are to be accorded the meaning given by the Applicant in the specification. See e.g. *Phillips v AWH Corp. (CAFC 03-1269, 03-1286).*

Each of independent claims 1, 11, 21, 25, and 28 recites rendering ***a metaphoric desktop*** having a front surface and a back surface, the front and back surfaces being opposite facing surfaces of the same plane, with the back surface being invisible while the front surface is visible, and vice versa, resulting in second execution results rendered on the back surface not visible while the front surface is the currently visible surface, and becoming visible when the back surface is morphed to replace the front surface as the currently visible surface.

Applicant's Specification starts with a Background section which first two paragraphs state:

"Graphical user interface (GUI) is known in the art. In particular, the single plane metaphoric desktop is well known in the art, adopted by numerous operating systems, including the Windows Family of Operating Systems, available from Microsoft of Redmond, WA.

In a single plane metaphoric desktop, various icons are provided to represent the user's computer, the user's network neighborhood, mapped devices, installed programs, file/document folders, the files/documents themselves, and so forth. A user would access the various resources, files and documents by interacting with the icons, as one would interface with various objects in one's desktop in the physical world."

Thus, Applicants submit the meaning of the term "***metaphoric desktop***" as recited in the claims at issue is amply clear. The term refers to the fundamental metaphoric graphic element employed by the graphic end user interface component of an operating system.

Therefore, the claims at issue are directed towards a novel graphical end user interface approach that extends the prior art fundamental metaphoric graphic element employed by the graphic end user interface component of an operating system, i.e. treating the fundamental metaphoric desktop employed by the graphic end user interface component of an operating system as having a front and a back surface where content may be rendered, and not just having a single surface where content may be rendered.

For at least the reasons set forth below, this approach is neither taught nor suggested by the cited references Horvitz and Dalal, individually or in combination.

In its Background section, starting col. 2, line 1, Horvitz states "An example of a computer graphical user interface that uses icons and windows is the Microsoft "WINDWOS"™ operating system ... Just as a physical desktop table can become cluttered when multiple documents are being viewed, a computer screen workspace (i.e. the metaphoric desktop) can become cluttered when multiple documents are displayed in multiple windows. With limited working space or viewing area on a computer screen, the computer screen workspace can quickly become cluttered if several applications or windows

are opened at the same time ... Thus, there is a need in the art for a display system which provides an enhanced system for displaying multiple applications or windows ..." (annotations enclosed in parenthesis added).

Then, Horvitz starts its Summary of the Invention stating "Generally described, the present invention provides a 3-D virtual workspace for a window based display system. The display system of the present invention is an isometric display system for an operating system. The isometric display system provides a display with monocular depth cues by making automatic sizing and geometric transformation on two dimensional rectangles that define traditional window."

Thus, Horvitz teaches replacement of the prior art fundamental metaphoric desktop employed by the graphic end user interface component of the operating system to display windowed content, with a new 3D virtual workspace as the fundamental graphical element for displaying windowed content. The windows are given "depth cues". Horvitz, therefore, teaches away and does not suggest the invention as claimed, which does not replace the prior art fundamental metaphoric desktop as the fundamental graphical element employed by the graphical end user interface component of the operating system to render windowed content, but extends it, treating the metaphoric desktop as having both a front and a back surface (where only one of the two surfaces is visible at one point in time), and not just a single surface.

Dalal is directed towards a method, system ... for providing user-interfacing within 3-D models. More specifically, it teaches of an operating system utility 72 as being provided with such capability. An example of an operating system utility 72, according to Dahal, is a web browser. See e.g., Dahal, col. 5, lines 24-26. It is well understood by those of ordinary skill in the art, an operating system utility, such as a web browser, renders its display thru the graphical end user interface component of the operating system. Thus, Dahal merely teaches of an operating system utility having capability of rendering a 3D cube, and content on the surfaces of the 3D cube. When read in context, the 3D cube and the content rendered on its

surface are rendered on the fundamental graphical element (e.g. the metaphoric desktop) employed by the graphical end user interface component of the operating system.

Dahal, therefore, also teaches away from the invention, in that it teaches enhancement of end user interface through enhancement of the capability of an operating system utility, not extending the fundamental graphical element employed by the graphical end user interface component of the operating system.

Thus, Dahal does not remedy the above discussed deficiencies of Horvitz. In combination, the two references still do not suggest to one of the ordinary skill in the art to extend (but not replacing) a prior art fundamental graphical element employed by the graphical end user interface component of the operating system, to arrive at the invention claimed.

Accordingly, for at least these reasons, independent claims 1, 11, 21, 25, and 28 are patentable over Horvitz in combination with Dalal.

Claims 3-5, 13-15, 22-24, 27, and 30-33 depend from claims 1, 11, 21, 25, and 28, respectively incorporating their features. Therefore, for at least the same reasons discussed above with respect to the independent claims, claims 3-5, 13-15, 22-24, 27, and 30-33 are patentable over Horvitz and Dalal.

Claims 2, 12, 26, and 29 are rejected under 35 USC 103(a) as being unpatentable over Horvitz, Dalal and US Patent No. 6,760,750 to Boneh (Boneh).

Claims 2, 12, 26, and 29 depend on claims 1, 11, 21, 25, and 28, incorporating their features, respectively. Since claims 1, 11, 21, 25, and 28 are patentable over Horvitz and Dalal, therefore, by definition, claims 2, 12, 26, and 29 are patentable over Horvitz and Dalal, for at least the reasons discussed above. Boneh does not remedy the above discussed deficiencies of Horvitz and Dalal. Thus, claims 2, 12, 26, and 29 are patentable over Horvitz and Dalal even when combined with Boneh.

Furthermore, Boneh does not teach or suggest the features for which it is cited. Boneh is directed to controlling and monitoring audio/video conferencing using the Internet. Boneh teaches an invisible "background" updating process that is used to update a visible display. Boneh does not teach that the invisible and visible displays may be switched, and as such, the invisible process is not made visible. Also, claims 2, 12, 26, and 29 indicate that the on-line applications may be invisible, and to the extent Boneh discusses on-line applications, they are always visible.

In addition, there is no motivation to combine Boneh with either Horvitz or Dalal. Boneh is directed to controlling and monitoring audio/video conferencing using the Internet. Boneh is not related to workspace configurations or to three dimensional modeling, or to a related discipline. Thus, even if Boneh contained the requisite teachings, which it does not, one of ordinary skill in the art at the time of the invention would not be motivated to combine the teachings of Horvitz and Dalal with those of Boneh.

Claims 7 and 17 are rejected under 35 USC 103(a) as being unpatentable over Horvitz, Dalal and US Patent No. 6,552,733 to Taylor (Taylor).

Claims 7 and 17 depend on claims 1 and 11, incorporating their features, respectively. Since claims 1 and 11 are patentable over Horvitz and Dalal, therefore, by definition, claims 7 and 17 are patentable over Horvitz and Dalal, for at least the reasons discussed above. Taylor does not remedy the above discussed deficiencies of Horvitz and Dalal. Thus, claims 7 and 17 are patentable over Horvitz and Dalal even when combined with Taylor.

Furthermore, Taylor does not provide the teachings for which it is cited. Taylor is directed to graphics processing in which objects are assigned to a position to allow for morphing and blending of the objects. Claims 7 and 17 however provide for execution results to be put into an alternate display screen buffer. While Taylor discusses the use of buffers, the specific operation of claims 7 and 17 and, in particular, the storing of execution results in an alternate display screen buffer is not taught or suggested. Also, the features of

claims 7 and 17 occur separate from the morphing operation that is also recited. At best, Taylor is related to this morphing operation, which, as stated above, uses a different mechanism of operation. Thus, for the reasons discussed above, Taylor does not teach or suggest the features of claims 7 and 17, and therefore claims 7 and 17 are patentable over the combination of Horvitz, Dalal, and Taylor.

Claims 8-10 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Horvitz, Dalal, Taylor, and Boneh.

Claims 8-10 and 18-20 depend on claims 1 and 11 respectively, incorporating their limitations. Since claims 1 and 11 are patentable over Horvitz and Dalal, therefore, by definition, claims 8-10 and 18-20 are patentable over Horvitz and Dalal, for at least the reason discussed above. Boneh and Taylor do not remedy the above discussed deficiencies of Horvitz and Dalal, therefore, for at least the same reasons discussed above, claims 8-10 and 18-20 are patentable over Horvitz and Dalal, even when combined with Taylor and Boneh.

In addition, there is no motivation to combine the disparate teachings of these references, and, even if the teachings provided all the features of the claims, which they do not, the only way to arrive at a combination of all these teachings would be to engage in improper hindsight reconstruction using Applicants' specification as a guide. For this additional reason, discussed in further detail above, claims 8-10 and 18-20 are patentable over the combination of Horvitz, Dalal, Taylor, and Boneh.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-5, 7-15 and 17-33 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
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